

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-12 were pending in this application. Applicant has amended claims 1-7 and newly added claims 13-14. Accordingly, claims 1-14 will be pending herein upon entry of this Amendment, of which claims 1 and 7 are independent claims. Support for the amendments to the claims can be found, for example, at page 9, line 15 to page 11, line 15, page 13, line 10 to page 14, line 3, and Figs. 2 and 4 of the present application. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action, the examiner rejected claims 1, 6, 7, and 12 under 35 U.S.C. 102(b) as being allegedly anticipated by Japanese Patent Publication No. 2000-293850 to Shiyuuichi (“Shiyuuichi”) and rejected claims 2-5, 8-11 under 35 U.S.C. 103(a) as being allegedly unpatentable over Shiyuuichi in view of U.S. Patent No. 4,866,688 to Ohtake et al. (“Ohtake”). At least for the reasons stated hereinafter, the rejection is respectfully traversed.

### I. Prior Art Rejection

In the information recording apparatuses of amended claims 1 and 7, the recording control unit determines whether first recording target data is recordable, based on the data received by the reception unit, and requests the first recording target data of the external apparatus based on the result of the determination, thereby recording, on the information storage medium, first recording data generated from the first recording target data. Furthermore, the recording control unit compares the amount of the first recording data with the recording capacity, then requests second recording target data of the external apparatus when lack of recording capacity is not estimated from the result of the comparison, and records, on the information storage medium, second recording data generated from the second recording target data. On the other hand, when the lack of recording capacity is estimated from the result of the comparison, the recording control unit limits a request for the second recording target data.

With such configuration, the information recording apparatus of the claimed invention can reliably record the first and second recording target data received from the external

apparatus. Accordingly, the claimed invention prevents the failure of recording of the received first and second recording target data due to lack of recording capacity.

Newly added claims 13-14 further describes that the information recording apparatuses can accurately measure the amounts of the first and second recording data items. In such claims, the first and second recording data items are generated by adding first and second error correction codes to the first and second recording target data items, respectively, and modulating the first and second recording target data items with the first and second error correction codes. Accordingly, the amounts of the first and second recording target data items differ from those of the actually recorded first and second recording data items. The information recording apparatuses of claims 13 and 14 measure the amounts of actually recorded first and second recording data items. Such features enables an accurate estimation even when a lack of capacity occurs.

In contrast, Shiyuuichi (2000-293850) merely discloses a technique of measuring detailed defects by comparing the outer peripheral region, intermediate region and inner peripheral region of an information recording medium, computing a remaining recordable time from the defect measurement result, and displaying the remaining recordable time. Clearly, Shiyuuichi fails to teach or suggest that the features of amended claims 1 and 7 as described above. That is, Shiyuuichi fails to teach or suggest a recording control unit configured to determine whether first recording target data is recordable based on the data received by the reception unit, to request the first recording target data of the external apparatus based on a result of the determination, to record, on the information storage medium, first recording data generated from the first recording target data, to compare an amount of the first recording data with the recording capacity, to request second recording target data of the external apparatus when lack of recording capacity is not estimated from a result of the comparison, to record, on the information storage medium, second recording data generated from the second recording target data, and to limit a request for the second recording target data when the lack of recording capacity is estimated from the result of the comparison, as recited in amended claims 1 and 7.

Ohtake also fails to teach or suggest the above features of amended claims 1 and 7. That is, Ohtake fails to disclose the technique of reliably recording received data.

Accordingly, Applicant respectfully submits that amended independent claims 1 and 7 are not anticipated by Shiyuuichi and the rejections thereof under 35 U.S.C. 102(b) should be

withdrawn. Moreover, as Shiyuuichi fails to teach or suggest the features of amended claims 1 and 7, Shiyuuichi is unable to reliably record received data and thus, nor secure the received data. As such, amended independent claims 1 and 7 are patentable over Shiyuuichi.

Applicant also respectfully submits that claims 2-6 and 8-14 are patentable at least due to their dependencies from patentable independent claims.

Further, neither Shiyuuichi nor Ohtake, when taken singly or in combination thereof, teaches or suggests the claimed invention in which, for example, the amount of actually recorded data is measured to accurately estimate lack of recording capacity, based on the result of comparison of the amount of received data with the amount of actually recorded data.

Accordingly, Applicant respectfully submits that claims 1 to 14 as pending are distinguishable from the cited references and hence patentable.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



E. Rico Hernandez  
Reg. No. 47,641  
Tel. No. 703-770-7788  
Fax No. 703-770-7901

Date: March 8, 2007  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900